

Notice of Allowability

Application No.

10/629,917

Examiner

VAN T. PHAM

Applicant(s)

YONEZAWA, MINORU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-8, 11-16, 18-20, have been renumbered as 1-15, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Election/Restrictions

1. Claims 1-4, 7-8 and 18 are allowable. The restriction requirement of species, as set forth in the Office action mailed on 4/11/2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 11-16 and 19-20, directed to species no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claim 17, directed to a species withdrawn from consideration because it does not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. This application is in condition for allowance except for the presence of claim 17 is directed to Species non-elected without traverse. Accordingly, claim 17 has been cancelled.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 1-4, 7-8, 11-16 and 18-20 are allowed.

Katayama, see abstract and Figs 1-14 and 22, 24, 30, discloses an optical disk device, comprising: an optical head which emits a laser beam to an optical disk and receives a reflection light by using an objective lens, thereby carrying out one of a recording process and a reproduction process (see Figs. 21-24 and [0014]-[0019]); a position control portion which carries out position control of at least one of the optical head and the objective lens by a compensation gain based on a detection signal from the optical head (see Figs. 1-14 and abstract, [0018], [0077]); and a disturbance learning portion which adjusts the compensation gain of the position control portion, detects disturbance information of the optical disk by using the optical head to store it as learning disturbance information (see Figs. 1-14),

Katayama, discloses an optical disk device according to claim 1, wherein the disturbance learning portion stores the disturbance information (see rejection of claim 1). However, Katayama does not disclose disturbance learning portion stores the disturbance information according to a timing of an output from an encoder coaxial to a spindle motor which rotates the optical disk at a predetermined rotation number.

Ishibashi, see Fig. 1, discloses disturbance-learning portion stores the disturbance information according to a timing of an output from an encoder coaxial to a spindle motor which rotates the optical disk at a predetermined rotation number.

None of the cited references in record disclose or suggest all the limitations in claim 1 and the combination of a disturbance learning portion that reduces the compensation gain in a stepwise manner, that has a detector to detect rotation information and carries out learning of the

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disturbance information at a timing given by the rotation information, and that stores the disturbance information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

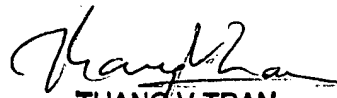
The cited references relate to optical disk drive including a position and means for compensating for an eccentricity of an optical disk (Hirai US 6,768,705); optical apparatus tracking error compensation (Miyagawa et al. 5,475,662); Signal processing method and signal processing apparatus (Masui et al. US 2002/0196717).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


THANG V. TRAN
PRIMARY EXAMINER